

HIGHLAND CAPITAL MANAGEMENT, L.P.,

Plaintiff,

vs.

NEXPOINT ADVISORS, L.P., JAMES
DONDERO, NANCY DONDERO, AND
THE DUGABOY INVESTMENT TRUST,

Defendants.

Adv. Proc. No. 21-3005-sgj

Case No. 3:21-cv-00880-C

HIGHLAND CAPITAL MANAGEMENT, L.P.,

Plaintiff,

vs.

HIGHLAND CAPITAL MANAGEMENT
SERVICES, INC., JAMES DONDERO,
NANCY DONDERO, AND THE DUGABOY
INVESTMENT TRUST,

Defendants.

Adv. Proc. No. 21-3006-sgj

Case No. 3:21-cv-01378-N

HIGHLAND CAPITAL MANAGEMENT, L.P.,

Plaintiff,

vs.

HCRE PARTNERS, LLC (n/k/a NexPoint
Real Estate Partners, LLC), JAMES
DONDERO, NANCY DONDERO, AND
THE DUGABOY INVESTMENT TRUST,

Defendants.

Adv. Proc. No. 21-3007-sgj

Case No. 3:21-cv-01379-X

**APPENDIX IN SUPPORT OF PLAINTIFF’S REPLY MEMORANDUM
OF LAW IN FURTHER SUPPORT OF ITS MOTION FOR PARTIAL
SUMMARY JUDGMENT AGAINST THE ALLEGED AGREEMENT DEFENDANTS**

<u>Ex.</u>	<u>Description</u>	<u>Appx. #</u>
1.	Reply Declaration of David Klos in Further Support of Highland Capital Management L.P.'s Motion for Partial Summary Judgment	1-6
2.	Stipulation Governing the Admissibility of Evidence in Connection with Plaintiff's Motion for Partial Summary Judgment (Adv. Pro. No. 21-3003, Docket No. 128)	7-26

Dated: February 7, 2022.

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EXHIBIT 1

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Counsel for Highland Capital Management, L.P.

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

HIGHLAND CAPITAL MANAGEMENT, L.P.,

Plaintiff,

VS.

JAMES DONDERO, NANCY DONDERO, AND THE
DUGABOY INVESTMENT TRUST,

Defendants.

Adv. Proc. No. 21-03003-sgj

Case No. 3:21-cv-01010-E

HIGHLAND CAPITAL MANAGEMENT, L.P.,

Plaintiff,

VS.

NEXPOINT ADVISORS, L.P., JAMES
DONDERO, NANCY DONDERO, AND
THE DUGABOY INVESTMENT TRUST,

Defendants.

HIGHLAND CAPITAL MANAGEMENT, L.P.,

Plaintiff,

VS.

HIGHLAND CAPITAL MANAGEMENT
SERVICES, INC., JAMES DONDERO,
NANCY DONDERO, AND THE DUGABOY
INVESTMENT TRUST,

Defendants.

HIGHLAND CAPITAL MANAGEMENT, L.P.,

Plaintiff,

VS.

HCRE PARTNERS, LLC (n/k/a NexPoint Real Estate Partners, LLC), JAMES DONDERO, NANCY DONDERO, AND THE DUGABOY INVESTMENT TRUST,

Defendants.

Adv. Proc. No. 21-3005-sgj

Case No. 3:21-cv-00880-C

Adv. Proc. No. 21-3006-sgj

Case No. 3:21-cv-01378-N

Adv. Proc. No. 21-3007-sgj

Case No. 3:21-cv-01379-X

REPLY DECLARATION OF DAVID KLOS IN FURTHER SUPPORT OF HIGHLAND CAPITAL MANAGEMENT L.P.'S MOTION FOR PARTIAL SUMMARY JUDGMENT

I, David Klos, pursuant to 28 U.S.C. § 1746, under penalty of perjury, declare as follows:

1. I am the Chief Financial Officer (“CFO”) of the reorganized Highland Capital Management, L.P. (“Highland”), and I submit this Declaration in support of *Highland Capital Management, L.P.’s Motion for Partial Summary Judgment* (the “Motion”). This Declaration is based on my personal knowledge. I could and would testify to the facts and statements set forth herein if asked or required to do so.

2. I write to correct the speculative and uniformed arguments advanced by Highland Capital Management Services, Inc. (“HCMS”) in connection with its “pre-payment” defense. *See Defendants’ Memorandum of Law in Response to Plaintiff’s Motion for Partial Summary Judgment* (the “Opposition”) Adv. Pro. 21-03003, Docket No. 154 ¶¶ 103-117.

3. The argument that Highland’s failure to call a “default” because HCMS made its Annual Installment payment on December 30, 2019 rather than December 31, 2019, is not serious. As the HCMS Amortization Schedule conclusively shows, HCMS paid *all* interest due on December 30, 2019 (in other words, one day early), which included one extra day of interest, such that zero interest was outstanding on December 31, 2019. This payment was made and applied in accordance with Mr. Dondero's direction (at a time when he still controlled both HCMS and Highland) and was completed to ensure that HCMS’s Note had no interest outstanding as of December 31, 2019.

4. Mr. Dondero’s direction to make the payment, the application of the payment to all interest due through year end, and the payment itself (if anyone tries to deny the direction was given) conclusively establish that HCMS knew that all interest due as of December

31, 2019 was required to be paid notwithstanding any prior “pre-payment.” Stated another way, if HCMS actually believed that no payments were due at the end of the year because of prior “pre-payments,” then why did they effectuate a payment of \$65,360.49 on December 30 – an amount precisely equal to all accrued and unpaid interest through the end of the year?

5. As HCMS’s Amortization Schedule conclusively shows, HCMS was current on its obligations under the HCMS Term Note as of December 31, 2019. All “prepayments” had been fully applied to principal and interest such that HCMS’s accrued interest balance was \$0. No other payments were made on account of HCMS’ Term Note until January 21, 2021, three weeks after the due date and after Highland declared a default.

6. Prior to the Petition Date, while HCMS and Highland were both controlled by Mr. Dondero, certain payments were applied to include short-term prepayments of interest, which is expressly provided for within the terms of the Term Note. This is precisely the type of “renegotiation” that was permitted under section 3 of the HCMS Term Note. But as the Amortization Schedule shows, these prepayments never exceeded one year and the reason that no payment occurred on December 31st in 2017 and 2018 was precisely because no accrued interest was outstanding on December 31, 2017 or December 31, 2018, having each been paid within months of year-end. HCMS’s suggestion that payments made in 2017 and 2018 were intended to relieve HCMS of all future interest obligations multiple years into the future is undercut by a complete lack of evidence and documentation – precisely because none exists.

7. No payments were timely received on or before December 31, 2020, and the Note was properly accelerated. Late payments received after acceleration in January 2021 (which payments were due in December 2020), and December 2021, each which included the amounts of interest and principal accrued and owing on December 31 of year-ends 2020, and

2021, respectively, were applied to the accelerated principal amount of the Note and accrued interest thereon in accordance with its terms.

Dated: February 7, 2022

/s/ David Klos
David Klos

EXHIBIT 2

HIGHLAND CAPITAL MANAGEMENT, L.P.,	§	
	§	
Plaintiff,	§	Adv. Proc. No. 21-3004
	§	
vs.	§	
	§	Case No. 3:21-cv-00881-X
HIGHLAND CAPITAL MANAGEMENT FUND	§	
ADVISORS, L.P.,	§	
	§	
Defendant.	§	
HIGHLAND CAPITAL MANAGEMENT, L.P.,	§	
	§	
Plaintiff,	§	Adv. Proc. No. 21-3005
	§	
vs.	§	
NEXPOINT ADVISORS, L.P., JAMES	§	Case No. 3:21-cv-00880-C
DONDERO, NANCY DONDERO, AND	§	
THE DUGABOY INVESTMENT TRUST,	§	
	§	
Defendants.	§	
HIGHLAND CAPITAL MANAGEMENT, L.P.,	§	
	§	
Plaintiff,	§	Adv. Proc. No. 21-3006
	§	
vs.	§	
HIGHLAND CAPITAL MANAGEMENT	§	Case No. 3:21-cv-01378-N
SERVICES, INC., JAMES DONDERO,	§	
NANCY DONDERO, AND THE DUGABOY	§	
INVESTMENT TRUST,	§	
	§	
Defendants.	§	

HIGHLAND CAPITAL MANAGEMENT, L.P.,	§	
	§	
	§	
Plaintiff,	§	Adv. Proc. No. 21-3007
	§	
vs.	§	
	§	
HCRE PARTNERS, LLC (n/k/a NexPoint	§	Case No. 3:21-cv-01379-X
Real Estate Partners, LLC), JAMES	§	
DONDERO, NANCY DONDERO, AND	§	
THE DUGABOY INVESTMENT TRUST,	§	
	§	
Defendants.	§	

**STIPULATION GOVERNING THE ADMISSIBILITY OF
EVIDENCE IN CONNECTION WITH PLAINTIFF’S MOTION FOR
PARTIAL SUMMARY JUDGMENT**

This Stipulation is entered into between and among Highland Capital Management, L.P., the plaintiff (the “Plaintiff”) in the above-referenced adversary proceedings (the “Adversary Proceedings”), on the one hand, and James Dondero (“Mr. Dondero”), Highland Capital Management Fund Advisors, L.P. (“HCMFA”), NexPoint Advisors, L.P. (“NexPoint”), Highland Capital Management Services, Inc. (“HCMS”), and HCRE Partners, LLC (n/k/a NexPoint Real Estate Partners, LLC) (“HCRE” and together with Mr. Dondero, NexPoint, and HCMS, the “Defendants,” and Plaintiff and Defendants together, the “Parties”) on the other hand.

RECITALS

WHEREAS, on January 22, 2021, Plaintiff commenced the Adversary Proceedings against each respective Defendant; and

WHEREAS, Plaintiff subsequently amended its pleading to add additional claims and parties (collectively, the “Amended Complaints”); and

WHEREAS, on December 17, 2021, Plaintiff will move for partial summary judgment against each of the Defendants on the First and Second Claims for Relief set forth in the Amended Complaints (the “Motion”); and

WHEREAS, the Parties have conferred concerning the admissibility of certain documents that Plaintiff intends to offer into evidence in support of its Motion, and counsel to the Parties pledge to continue to confer in good faith on all evidentiary issues that may arise in connection with Defendants’ opposition to the Motion and Plaintiff’s reply.

STIPULATION

NOW, THEREFORE, in consideration of the foregoing, the parties agree and stipulate as follows:

1. Attached as **Exhibit A** is Plaintiff’s Exhibit List that identifies each document that Plaintiff intends to offer into evidence in support of the Motion (collectively, the “Exhibits”).
2. The Parties agree that all Parties, and not just the Plaintiff, can use the Exhibits that are agreed to in this Stipulation with respect to admissibility.
3. The Defendants, individually and collectively, have no objection to the admission into evidence of any of the Exhibits, except Exhibits 38, 73, 78, 94-101, 105, and 192-195.

Dated: December 17, 2021

CONSENTED AND AGREED TO BY:

/s/ John A. Morris

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*Attorneys for NexPoint Advisors, L.P., Highland
Capital Management Services, Inc., and HCRE
LLC (n/k/a NexPoint Real Estate Partners, LLC)*

CERTIFICATE OF SERVICE

I certify that on December 17, 2021, a true and correct copy of the foregoing document was served via the Court's Electronic Case Filing system to the parties that are registered or otherwise entitled to receive electronic notices in this adversary proceeding.

/s/ Zachery Annable

Zachery Annable

EXHIBIT A

Highland Capital Management, L.P. Consolidated Notes Litigation***SUMMARY JUDGMENT EXHIBITS***

Tab	Document	Docket No(s).	Bates
1.	Complaint against HCMFA (Adv. Pro. No. 21-3004)	1	D-CNL002795 - 814
2.	Amended Complaint against NPA et al. (Adv. Pro. No. 21-3005)	63	D-CNL002935 - 3007
3.	Amended Complaint against HCMS (Adv. Pro. No. 21-3006)	68	D-CNL003083 - 3165
4.	Amended Complaint against HCRE et al (Adv. Pro. No. 21-3007)	63	D-CNL003241 - 3323
5.	HCMFA's Original Answer (Adv. Pro. No. 21-3004)	6	D-CNL002868 - 2874
6.	HCMS's Answer to Plaintiff's Complaint (Adv. Pro. No. 21-3006)	6	N/A
7.	HCRE's Answer to Plaintiff's Complaint (Adv. Pro. No. 21-3007)	7	N/A
8.	HCMS's Motion For Leave to File Amended Answer and Brief In Support (Adv. Pro. No. 21-3006)	15	N/A
9.	HCRE's Motion For Leave to File Amended Answer and Brief In Support (Adv. Pro. No. 21-3007)	16	N/A
10.	HCMFA's Motion For Leave to Amend Answer (Adv. Pro. No. 21-3004)	32	N/A
11.	NexPoint's Motion For Leave to Amend Answer (Adv. Pro. No. 21-3005)	35	N/A
12.	HCMS's First Amended Answer to Plaintiff's Complaint (Adv. Pro. No. 21-3006)	34	N/A
13.	HCMFA's Amended Answer (Adv. Pro. No. 21-3004)	48	N/A
14.	NexPoint's First Amended Answer (Adv. Pro. No. 21-3005)	50	N/A
15.	NexPoint's Answer to Amended Complaint (Adv. Pro. No. 21-3005)	64	N/A
16.	HCMS's Answer to Amended Complaint (Adv. Pro. No. 21-3006)	73	N/A
17.	HCRE's Answer to Amended Complaint (Adv. Pro. No. 21-3007)	68	N/A
18.	HCMFA's Objections and Responses to Plaintiff's Requests For Admissions, Interrogatories, and Requests For Production (Adv. Pro. No. 21-3004)	N/A	N/A

Tab	Document	Docket No(s).	Bates
19.	NexPoint's Objections and Responses to Plaintiff's Requests For Admissions, Interrogatories, and Requests For Production (Adv. Pro. No. 21-3005)	N/A	N/A
20.	HCMS's Responses to Highland Capital Management, L.P.'s First Requests For Admissions (Adv. Pro. No. 21-3006)	N/A	D-CNL003076 - 79
21.	HCMS's Answers to Highland Capital Management, L.P.'s First Set of Interrogatories (Adv. Pro. No. 21-3006)	N/A	D-CNL003071 - 75
22.	HCRE's Responses to Debtor Highland Capital Management, L.P.'s Requests For Admissions (Adv. Pro. No. 21-3007)	N/A	N/A
23.	HCRE's Answers to Debtor Highland Capital Management, L.P.'s First Set of Interrogatories (Adv. Pro. No. 21-3007)	N/A	N/A
24.	James Dondero's Objections and Responses to Plaintiff's Requests For Admission, Interrogatories, and Requests For Production (Adv. Pro. No. 21-3003)	N/A	N/A
25.	Nancy Dondero's Objections and Responses to Plaintiff's Requests For Admission, Interrogatories, and Requests For Production (Adv. Pro. No. 21-3003)	N/A	N/A
26.	The Dugaboy Investment Trust's Objections and Responses to Plaintiff's Requests For Admission, Interrogatories, and Requests For Production (Adv. Pro. No. 21-3003)	N/A	N/A
27.	NexPoint's Objections and Responses to Plaintiff's Requests For Admission, Interrogatories, and Requests For Production (Adv. Pro. No. 21-3005)	N/A	N/A
28.	HCMS's Objections and Responses to Plaintiff's Requests For Admission, Interrogatories, and Requests For Production (Adv. Pro. No. 21-3006)	N/A	N/A
29.	HCRE's Objections and Responses to Plaintiff's Requests For Admission, Interrogatories, and Requests For Production (Adv. Pro. No. 21-3007)	N/A	N/A
30.	Fourth Amended and Restated Agreement of Limited Partnership of Highland Capital Management, L.P.	N/A	D-CNL002970 – 3005
31.	James Dondero's Answer to Amended Complaint (Adv. Pro. No. 21-3003)	83	D-CNL002045 - 59
32.	Amended Complaint against James Dondero, et. al (Adv. Pro. No. 21-3003)	79	D-CNL001975 - 2044
33.	June 3, 2019 Management Representation Letter (J. Dondero 5/8/21 Depo., Ex. 16) (P. Burger 7/30/21 Depo., Ex. 1)	N/A	D-JDNL-033411 - 21
34.	Highland's Consolidated Financial Statements, dated December 31, 2018 (J. Dondero 5/8/21 Depo., Ex. 15) (P. Burger 7/30/21 Depo., Ex. 4)	N/A	D-CNL-000212 - 257

Tab	Document	Docket No(s).	Bates
35.	HCMFA's Incumbency Certificate, April 2019	N/A	D-CNL003578
36.	Email string re 15(c) Follow up (10/2/21 – 10/6/21)	N/A	D-HCMFA290880 – 83
37.	NexPoint's Incumbency Certificate	N/A	D-CNL003590
38.	Schedule of HCMLP receipts from other Dondero-related notes	N/A	D-CNL003683
39.	HCMLP Operating Results (February 2018) (Adv. Pro. No. 21-3003)	11-13	N/A
40.	Summary of Assets and Liabilities for Non-Individuals (Adv. Pro. No. 21-3003) (J. Dondero 5/8/21 Depo., Ex. 17)	11-15	N/A
41.	December 2019 Monthly Operating Report (Adv. Pro. No. 21-3003) (J. Dondero 5/8/21 Depo., Ex. 22)	11-16	N/A
42.	September 2020 Monthly Operating Report (Adv. Pro. No. 21-3003)	11-18	N/A
43.	Dondero Promissory Note in the amount of \$7.9m dated January 18, 2018	N/A	D-CNL000550 - 51
44.	INTENTIONALLY OMITTED		
45.	HCMFA's Consolidated Financial Statements and Supplemental Information (December 31, 2018) (Adv. Pro. No. 21-3004)	35	D-CNL002273 - 96
46.	NexPoint's 2019 Audited Financial Statements	N/A	N/A
47.	Plaintiff's Amended Notice of Rule 30(b)(6) Deposition to NexPoint Advisors, L.P. (Adv. Pro. No. 21-3005)	82	N/A
48.	Plaintiff's Amended Notice of Rule 30(b)(6) Deposition to HCMS (Adv. Pro. No. 21-3006)	87	N/A
49.	Plaintiff's Amended Notice of Rule 30(b)(6) Deposition to HCRE (Adv. Pro. No. 21-3007)	82	N/A
50.	Jim Dondero 2017 PY Comp Statement	N/A	D-CNL003587
51.	Jim Dondero 2018 PY Comp Statement	N/A	D-CNL003588
52.	Jim Dondero 2019 PY Comp Statement	N/A	D-CNL003589
53.	5/2/19 e-mail and attachment (spreadsheet)	N/A	D-CNL003768-70
54.	5/2/19 e-mail and attachment (Promissory Note)	N/A	D-CNL003777-79
55.	List of Wire Transfers (5/2/19)	N/A	D-CNL003772
56.	5/3/19 e-mail	N/A	D-CNL003763

Tab	Document	Docket No(s).	Bates
57.	5/3/19 Promissory Note	N/A	D-CNL003764-65
58.	13 Week Cash Flows 12.14.20	N/A	D-CNL003810
59.	Supplemental 15(c) Information Request 10.23.20	N/A	HCMFAS 25-31
60.	7.31.20 HCMLP Requests	N/A	D-CNL003795-98
61.	INTENTIONALLY OMITTED		
62.	INTENTIONALLY OMITTED		
63.	HCMLP Audited Financial Statements for 2008	N/A	D-CNL000001-56
64.	HCMLP Audited Financial Statements for 2009	N/A	D-CNL000258-304
65.	HCMLP Audited Financial Statements for 2010	N/A	D-CNL000305-351
66.	HCMLP Audited Financial Statements for 2011	N/A	D-CNL000352 - 400
67.	James Dondero 2019 Form W-2 (NexPoint Residential Trust Inc.) (REDACTED)	N/A	EXPERT 0000001 - 02
67-2.	James Dondero 2017 Form W-2 (NexPoint Residential Trust Inc.) (REDACTED)	N/A	EXPERT 0000937 - 39
67-3.	James Dondero 2013 Form 1040 (pdf page 279 of 335) (REDACTED)	N/A	EXPERT 0000031; 308
67-4.	James Dondero 2014 Form 1040 (pdf page 235 of 290) (REDACTED)	N/A	EXPERT 0000390; 623
67-5.	James Dondero 2015 Form 1040 (pdf page 200 of 254) (REDACTED)	N/A	EXPERT 0001325; 1523
67-6.	James Dondero 2016 Form 1040 (pdf page 182 of 235) (REDACTED)	N/A	EXPERT 0001999; 2179
67-7.	James Dondero 2017 Form 1040 (pdf page 170 of 225) (REDACTED)	N/A	EXPERT 0000704; 872
67-8.	James Dondero 2018 Form 1040 (pdf page 248 of 300) (REDACTED)	N/A	EXPERT 0001581; 1828
67-9.	James Dondero 2019 Form 1040 (pdf page 242 of 301) (REDACTED)	N/A	EXPERT 0001023; 1264

Tab	Document	Docket No(s).	Bates
68.	Jim Dondero 2016 PY Comp Statement	N/A	D-CNL003585
69.	HCMLP Audited Financial Statements for 2014	N/A	D-CNL000109-157
70.	HCMLP Audited Financial Statements for 2015	N/A	D-CNL000158-211
71.	HCMLP Audited Financial Statements for 2016	N/A	D-CNL000452-501
72.	Highland's Audited Financial Statements for 2017 (J. Dondero 5/8/21 Depo., Ex. 13) (P. Burger 7/30/21 Depo., Ex. 2)	N/A	D-CNL000502-549
73.	Schedule of HCMLP receipts from Dondero notes	N/A	D-CNL003591
74.	Dondero Promissory Note in the amount of \$3.825m dated February 2, 2020 (J. Dondero 5/8/21 Depo., Ex. 1)	N/A	N/A
75.	HCMLP Operating Results (February 2018) (J. Dondero 5/8/21 Depo., Ex. 2)	N/A	N/A
76.	Dondero Promissory Note in the amount of \$2.5m dated August 1, 2018 (Adv. Pro. No. 21-3003) (J. Dondero 5/8/21 Depo., Ex. 3)	1-2	N/A
77.	Dondero Promissory Note in the amount of \$2.5m dated August 13, 2018 (J. Dondero 5/8/21 Depo., Ex. 4)	N/A	N/A
78.	HCMLP Operating Results (August 2018) (J. Dondero 5/8/21 Depo., Ex. 5)	N/A	N/A
79.	December 3, 2020 Demand Letter (J. Dondero 5/8/21 Depo., Ex. 6)	N/A	N/A
80.	James Dondero's Original Answer (Adv. Pro. No. 21-3003) (J. Dondero 5/8/21 Depo., Ex. 7)	6	N/A
81.	James Dondero's Objections and Responses to Highland Capital Management, L.P.'s First Request For Admissions (Adv. Pro. No. 21-3003) (J. Dondero 5/8/21 Depo., Ex. 8)	N/A	N/A
82.	James Dondero's Objections and Responses to Highland Capital Management, L.P.'s First Set of Interrogatories (Adv. Pro. No. 21-3003) (J. Dondero 5/8/21 Depo., Ex. 9)	N/A	N/A
83.	James Dondero's Amended Answer (Adv. Pro. No. 21-3003) (J. Dondero 5/8/21 Depo., Ex. 10)	16	N/A
84.	James Dondero's Objections and Responses to Highland Capital Management, L.P.'s Second Request For Admissions (Adv. Pro. No. 21-3003) (J. Dondero 5/8/21 Depo., Ex. 11)	N/A	N/A
85.	James Dondero's Objections and Responses to Highland Capital Management, L.P.'s Second Set of Interrogatories (Adv. Pro. No. 21-3003) (J. Dondero 5/8/21 Depo., Ex. 12)	N/A	N/A
86.	May 18, 2018 Management Representation Letter (J. Dondero 5/8/21 Depo., Ex. 14)	N/A	D-JDNL-033400-10
87.	Statement of Financial Affairs For Nonindividuals Filing Bankruptcy (Case No. 19-34054) (J. Dondero 5/8/21 Depo., Ex. 19)	248	N/A

Tab	Document	Docket No(s).	Bates
88.	October 2019 Monthly Operating Report (Case No. 19-34054) (J. Dondero 5/8/21 Depo., Ex. 20)	405	N/A
89.	November 2019 Monthly Operating Report (Case No. 19-34054) (J. Dondero 5/8/21 Depo., Ex. 21)	289	N/A
90.	Exhibit C, Liquidation Analysis/Financial Projections (Case No. 19-34054) (J. Dondero 5/8/21 Depo., Ex. 23)	1473	N/A
91.	Highland Capital Management LP Financial Projections (1/28/21) (J. Dondero 5/8/21 Depo., Ex. 24)	N/A	N/A
92.	2017 Workpapers (P. Burger 7/30/21 Depo., Ex. 3)	N/A	N/A
93.	2018 Workpapers (P. Burger 7/30/21 Depo., Ex. 5)	N/A	N/A
94.	Peet Burger 7/30/21 Deposition Transcript	N/A	N/A
95.	James Dondero 1/5/21 Deposition Transcript	N/A	N/A
96.	James Dondero 5/28/21 Deposition Transcript	N/A	N/A
97.	James Dondero 6/1/21 Deposition Transcript	N/A	N/A
98.	James Dondero 10/29/21 Deposition Transcript	N/A	N/A
99.	James Dondero 11/4/21 Deposition Transcript	N/A	N/A
100.	Nancy Dondero 10/18/21 Deposition Transcript	N/A	N/A
101.	Alan Johnson (Expert)11_02_21 Deposition Transcript	N/A	N/A
102.	INTENTIONALLY OMITTED		
103.	INTENTIONALLY OMITTED		
104.	INTENTIONALLY OMITTED		
105.	Frank Waterhouse 10/19/21 Deposition Transcript	N/A	N/A
106.	Payment from James Dondero dated 12/08/17	N/A	D-CNL003542-45
107.	Payment from James Dondero dated 12/18/17	N/A	D-CNL003546-55
108.	Payment from James Dondero dated 02/14/19	N/A	D-CNL003490-500
109.	Payment from James Dondero dated 03/13/2019	N/A	D-CNL003503-12
110.	Payments from James Dondero dated 05/02/19, 05/03/19, 05/07/19, 05/23/19	N/A	D-CNL003515-27
111.	Payment from James Dondero dated 06/17/19	N/A	D-CNL003528-32

Tab	Document	Docket No(s).	Bates
112.	Payment from James Dondero dated 12/23/19	N/A	D-CNL003556-62
113.	Payment from HCMFA dated 05/29/19	N/A	D-CNL003617-29
114.	Payment from HCMFA dated 09/05/19	N/A	D-CNL003663-65
115.	Payment from HCMFA dated 10/03/19	N/A	D-CNL003666-75
116.	Payment from HCRE dated 09/30/19	N/A	D-CNL003655-62
117.	Payment from NPA dated 04/16/2019	N/A	D-CNL003608-16
118.	Payment from NPA dated 06/19/19	N/A	D-CNL003639-43
119.	Payment from NPA dated 07/09/19	N/A	D-CNL003644-51
120.	Payments from HCMSI and NPA dated 03/05/19 and 03/29/19	N/A	D-CNL003598-607
121.	Payments from HCMSI and NPA dated 08/09/19, 08/13/19, 08/21/19	N/A	D-CNL003652-54
122.	Payments from HCRE, HCMSI, NPA dated 12/09/19, 12/30/19	N/A	D-CNL003676-82
123.	Payments from HCMFA and NPA dated 06/04/19	N/A	D-CNL003630-38
124.	Payment from NPA, HCMSI, HCRE dated 01/14/21 and 01/21/21	N/A	D-CNL003593-97
125.	Payment to James Dondero dated 02/02/18	N/A	D-JDNL-033060-74
126.	Payments to James Dondero dated 08/01/18 and 08/13/18	N/A	D-JDNL-033057-59
127.	Payment to HCMSI dated 05/29/15	N/A	HCMS000094-96
128.	Payment to HCMSI dated 10/01/15, 10/02/15, and 10/30/15	N/A	HCMS000156-62
129.	Payment to HCMSI dated 10/27/15	N/A	HCMS000166-68
130.	Payment to HCMSI dated 10/28/15	N/A	HCMS000163-65
131.	Payment to HCMSI dated 11/23/15	N/A	HCMS000172-76
132.	Payment to HCMSI dated 11/24/15	N/A	HCMS000169-71
133.	Payment to HCMSI dated 02/10/16	N/A	HCMS000072-77
134.	Payment to HCMSI dated 02/11/16	N/A	HCMS000056-71
135.	Payment to HCMSI dated 04/05/16	N/A	HCMS000082-93

Tab	Document	Docket No(s).	Bates
136.	Payment to HCMSI dated 05/04/16	N/A	HCMS000097-99
137.	Payment to HCMSI dated 07/01/16	N/A	HCMS000122-125
138.	Payment to HCMSI dated 08/05/16	N/A	HCMS000126-39
139.	Payment to HCMSI dated 08/19/16	N/A	HCMS000140-43
140.	Payment to HCMSI dated 09/22/16	N/A	HCMS000144-55
141.	Payment to HCMSI dated 12/12/16	N/A	HCMS000177-80
142.	Payment to HCMSI dated 03/31/17	N/A	HCMS000078-81
143.	Payment to HCMSI dated 03/26/18	N/A	HCMS000181-83
144.	Payment to HCMSI dated 06/25/18	N/A	HCMS000184-86
145.	Payment to HCMSI dated 05/29/19	N/A	HCMS000100-12
146.	Payment to HCMSI dated 06/26/19	N/A	HCMS000113-21
147.	Payments to HCMFA dated 05/02/19 and 05/03/19	N/A	N/A
148.	Payment to HCRE dated 11/27/13	N/A	D-HCRE-000114-16
149.	Payment to HCRE dated 01/09/14	N/A	D-HCRE-000100-06
150.	Payment to HCRE dated 01/30/14	N/A	D-HCRE-000060-62
151.	Payment to HCRE dated 03/28/14	N/A	D-HCRE-000107-13
152.	Payment to HCRE dated 01/26/15	N/A	D-HCRE-000063-65
153.	Payment to HCRE dated 04/02/15	N/A	D-HCRE-000066-71
154.	Payment to HCRE dated 10/12/17	N/A	D-HCRE-000080-90
155.	Payment to HCRE dated 10/15/18	N/A	D-HCRE-000091-99
156.	Payment to HCRE dated 09/25/19	N/A	D-HCRE-000072-79
157.	Payment to NPA dated 08/21/14	N/A	D-NNL-029156-59
158.	Payment to NPA dated 10/01/14	N/A	D-NNL-029160-66
159.	Payment to NPA dated 11/14/14	N/A	D-NNL-029167-69

Tab	Document	Docket No(s).	Bates
160.	Payment to NPA dated 01/29/15	N/A	D-NNL-029152-55
161.	Payment to NPA dated 07/22/15	N/A	D-NNL-029171-85
162.	Robert Half Legal Invoices dated 05/06/21 and 5/20/21	N/A	D-CNL003821-23
163.	Robert Half Legal Invoice dated 06/17/21	N/A	D-CNL003824-25
164.	Robert Half Legal Invoice dated 07/01/21	N/A	D-CNL003826-27
165.	Robert Half Legal Invoice dated 07/15/21	N/A	D-CNL003828-29
166.	Robert Half Legal Invoice dated 08/19/21	N/A	D-CNL003830-31
167.	Robert Half Legal Invoice dated 09/16/21	N/A	D-CNL003832-33
168.	Robert Half Legal Invoices dated 09/02/21 and 09/30/21	N/A	D-CNL003834-36
169.	Highland December 2020 Billing Detail	N/A	D-CNL000979-89
170.	Highland January 2021 Billing Detail	N/A	D-CNL000995-1016
171.	Highland February 2021 Billing Detail	N/A	D-CNL000990-94
172.	Highland March 2021 Billing Detail	N/A	D-CNL001080-1105
173.	Highland April 2021 Billing Detail	N/A	D-CNL000923-58
174.	Highland May 2021 Billing Detail	N/A	D-CNL001106-53
175.	Highland June 2021 Billing Detail	N/A	D-CNL001042-79
176.	Highland July 2021 Billing Detail	N/A	D-CNL001017-41
177.	Highland August 2021 Billing Detail	N/A	D-CNL001154-57
178.	Highland Supplemental August 2021 Billing Detail	N/A	D-CNL000959-78
179.	Highland September 2021 Billing Detail	N/A	D-CNL003812-20
180.	Highland October 2021 Billing Detail	N/A	D-CNL003837-66
181.	Declaration of Dennis C. Sauter, Jr. (Adv. Pro. No. 21-3004)	32-1	N/A
182.	GAF Resolution Memo dated May 28, 2019	N/A	N/A
183.	INTENTIONALLY OMITTED		

Tab	Document	Docket No(s).	Bates
184.	Defendant James Dondero's Rule 26 Initial Disclosures	N/A	N/A
185.	Plaintiff's Third Amended Notice of Rule 30(b)(6) Deposition to HCMFA (Adv. Pro. No. 21-3004)	84	N/A
186.	INTENTIONALLY OMITTED		
187.	INTENTIONALLY OMITTED		
188.	Email from David Klos to the Debtor's Corporate Accounting group, with a copy to Melissa Schroth, dated February 2, 2018 (Adv. Pro. No. 21-3003)	11-1	N/A
189.	Email dated February 2, 2018 confirming a wire transfer in the amount of \$3,825,000 from the Debtor to James Dondero (Adv. Pro. No. 21-3003)	11-2	N/A
190.	(a) Email from Blair Hillis to David Klos and the Debtor's Corporate Accounting group, with a copy to Melissa Schroth, dated August 1, 2018 and (b) an email from David Klos to the Debtor's Corporate Accounting group, with a copy to Melissa Schroth, dated August 1, 2018 (Adv. Pro. No. 21-3003)	11-4	N/A
191.	Email chain re Objections to Rule 30(b)(6) Notices (October 7 – 15, 2021)	N/A	N/A
192.	Dustin Norris 12/1/21 Deposition Transcript	N/A	N/A
193.	Dennis C. Sauter 11/17/21 Deposition Transcript	N/A	N/A
194.	Kristin Hendrix 10/27/21 Deposition Transcript	N/A	N/A
195.	David Klos 10/27/21 Deposition Transcript	N/A	N/A
196.	Debtor's back-up for the December Monthly Operating Report, titled "December 2019 Due From Affiliates" (Adv. Pro. No. 21-3003)	11-17	N/A
197.	Debtor's back-up for the September Monthly Operating Report, titled "September 2020 Due From Affiliates" (Adv. Pro. No. 21-3003)	11-19	N/A
198.	Debtor's back-up for the January 2021 Monthly Operating Report, titled "January 2021 Due From Affiliates" (Adv. Pro. No. 21-3003)	11-21	N/A
199.	Debtor's January 2021 Affiliates Loan Receivables Summary (Adv. Pro. No. 21-3003)	11-22	N/A
200.	Amortization Schedule (K. Hendrix 10/27/21 Depo., Ex. 14)	N/A	D-NNL-029141-51
201.	Debtor's Motion to Cause Distributions to Certain "Related Entities" (Case No. 19-34054)	474	N/A
202.	Committee's Objection to Debtor's Motion to Cause Distributions to Certain "Related Entities" (Case No. 19-34054)	487	N/A

Tab	Document	Docket No(s).	Bates
203.	Joinder of Acis Capital Management, L.P. and Acis Capital Management GP, LLC to Committee's Objection to Debtor's Motion to Cause Distributions to Certain "Related Entities" (Case No. 19-34054)	489	N/A
204.	Debtor's Reply in Support of Motion to Cause Distributions to Certain "Related Entities" (Case No. 19-34054)	499	N/A
205.	NexPoint's Amended and Restated Shared Services Agreement as of January 1, 2018 (Adv. Pro. No. 21-3005)	86-2	N/A
206.	Transcript of February 2, 2021 Hearing	N/A	N/A
207.	Transcript of February 3, 2021 Hearing	N/A	N/A



***IN RE: HIGHLAND CAPITAL
MANAGEMENT, L.P.
CONSOLIDATED NOTES LITIGATION***

**SUMMARY
JUDGMENT
EXHIBITS**